IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12092 of 2004

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Between:

1 Smt. Kada Suguna W/o Late Kada Tatarao
Atchuthapuram Village, Pedapudi Mandal East Godavari

District.
2 Kada Manohar Prasad S/o late Kada Tatarao
Atchuthapuram Village, Pedapudi Mandal ,
East Godavari District.
3 Kada Subhashini W/o Late Kada Tatarao
Atchuthapuram Village, Pedapudi Mandal East Godavari

District.

..... PETITIONERS

AND

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The Mandal Revenue Officer Pedapudi Mandal
East Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the in action of the respondent in not issuing "Legal Heirs Certificate" basing on the representation dt.11/04/2001 in spite of repeated requests and reminders as illegal arbitrary capricious and violative of Article 21 of Constitution of India and consequently to direct the respondent to issue a "Legal Heirs Certificate" to them basing on the representation dt.11/04/2001 after due enquiry and verification within the time stipulated by this Hon'ble or to pass other order.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both have no objection for disposal of the writ petition at the admission stage.

Petitioner who is claiming to be the wife of deceased Kada Tata Rao filed this writ petition stating that she made a representation dated 11-4-2001 to the respondent requesting him to issue legal heir certificate for enabling her to claim compassionate

appointment, as his husband earlier worked as Junior Veterinary Officer in a Veterinary Department and died in an accident on
4-2-2001, but the respondent has not disposed of her representation so far.

It is brought to the notice of this court that one Smt. Kada Padmavathi claiming to be the wife of Kada Tata Rao filed W.P.No.5928 of 2004, which was disposed of by this court on
29-3-2004 directing the petitioner to make an application to the Mandal Revenue Officer for the issuance of Family Member Certificate and on such application being made, the Mandal Revenue Officer shall consider the same and pass appropriate orders after conducting due enquiry in accordance with law as expeditiously as possible.

Learned Government Pleader has brought to the notice of this court, the judgment in W.P.No.7430 of 2000 dated 1-2-2001 wherein this court held that the question as to who are the legal heirs of the diseased Prakash Rao may have to be decided by the competent court of civil jurisdiction and it shall be open to the parties to avail such remedies as may be available to them in law. Their rights as the legal heirs of the deceased Prakash Rao would depend upon the result of such proceedings initiated by either of the parties. Holding so, the learned judge set aside the certificate issued by the Mandal Revenue Officer, Mahaboobnagar.

In view of the same, the Mandal Revenue Officer is directed to dispose of the representation dated 11-4-2004 said to have been submitted by the petitioner along with the application, if any, filed by Kada Padmavati in W.P.No.5928 of 2004, in the light of the law declared by this court in W.P.No.7430 of 2000, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

28th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Mandal Revenue Officer Pedapudi Mandal
East Godavari District

2 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

3 2 CD copies.